

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

ePLUS INC.,)	
)	
Plaintiff,)	Civil Action No. 3:09-CV-620 (REP)
)	
v.)	
)	
LAWSON SOFTWARE, INC.,)	
)	
)	
)	
Defendant.)	

**PLAINTIFF ePLUS, INC.’S MOTION FOR JUDGMENT AS A MATTER OF LAW OF
NO INVALIDITY OF THE ASSERTED CLAIMS PURSUANT TO FED. R. CIV. P. 50(a),
AND FOR JUDGMENT ON PARTIAL FINDINGS PURSUANT TO FED. R. CIV. P. 52
WITH RESPECT TO NON-JURY DEFENSES UNDER 35 U.S.C. §§ 101 AND 112**

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Pursuant to Federal Rule of Civil Procedure 50(a), Plaintiff *ePlus, Inc.* (“*ePlus*”), by counsel, respectfully moves for judgment as a matter of law that Defendant Lawson Software, Inc. (“*Lawson*”), has failed to show a legally sufficient evidentiary basis on which a reasonable jury could find that any of the asserted claims are invalid, including invalidity under Sections 102, 103 and 112 of the patent statute.¹ Because Lawson’s additional defenses of indefiniteness (Section 112) and unpatentable subject matter (Section 101) constitute issues of law for the Court, rather than jury issues, *ePlus* also moves for a judgment of no invalidity on partial findings pursuant to Fed. R. Civ. P. 52 or, alternatively, for judgment as a matter of law pursuant to Rule 50, with respect to these defenses. Lawson has been fully heard with respect to all of its invalidity contentions. Accordingly, *ePlus* respectfully requests that the Court grant judgment as a matter of law that the asserted claims of the patents-in-suit are not invalid. The grounds for this motion are more fully set forth in the accompanying brief in support.

¹ This motion sets forth *ePlus*’s arguments in support of judgment as a matter of law pursuant to its oral argument on Friday, January 21.

Respectfully submitted,

January 24, 2011

/s/

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CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of January, 2011, I will electronically file the foregoing

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with the Clerk of Court using the CM/ECF system which will then send a notification of such filing (NEF) via email to the following:

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